

REMARKS

Claims 22 and 24-42 are currently pending in this application. The Examiner indicated that claim 42 contains allowable subject matter. This Amendment amends the specification, claims 22, 25-29, 31-35 and 37, and Figs. 1 and 2 of the drawings. Support for the amendments to the specification, claims and drawings can be found in the specification, drawings and claims as originally filed. No new matter has been added. Because the amendments to the claims are relatively minor and are generally in accordance with the Examiner's suggestions, entry of the amendments to claims 22, 25-29, 31-35 and 37 is respectfully requested.

The specification has been amended to include language that is consistent with the amended language of the claims.

The drawings stand objected to because of certain informalities discussed on pages 3 and 4 of the Office Action. Applicant includes herewith proposed drawing changes to Figs. 1 and 2 for the Examiner's review and approval. In Fig. 1, reference numeral 57 has been changed to "56" and reference numeral 50 has been changed to numeral "57." In Fig. 2, reference numeral 28 has been changed to numeral "38." Upon acceptance of the proposed amended drawings, entry of the replacement drawing sheets of Figs. 1 and 2 are respectfully requested.

Claims 28-42 stand rejected under 37 C.F.R. §1.75(c) for being in improper dependent form as discussed on pages 4 and 5 of the Office Action. In response, claims 28, 29, 31-35 and 37 have been amended into proper dependent form, wherein each claim further limits the subject matter of a previous claim. In view of the above, withdrawal of the objection of claims 28-42 is respectfully requested.

Claims 28-42 stand rejected under 35 U.S.C. §112, second paragraph, for the informalities identified on pages 5 and 6 of the Office Action. In response, Applicant has amended the claims to overcome the Examiner's indefiniteness rejections. Therefore, reconsideration and withdrawal of the rejection of claims 28-42 are respectfully requested.

Claim 22 stands finally rejected under 35 U.S.C. §102(b) for anticipation by newly cited U.S. Patent No. 3,455,233 to Cable. Claims 22 and 23 stand finally rejected under 35 U.S.C. §102(b) for anticipation by U.S. Patent No. 3,322,060 to Gilbert. However, claim 23 was cancelled in the previous Amendment and, therefore, cannot stand rejected. Claims 22 and 24-41 stand finally rejected under 35 U.S.C. §103(a) for obviousness over

Gilbert in view of U. S. Patent No. 3,683,791 to Rast, Jr. ("Rast"). In response, independent claim 22 has been amended to define further an annular air inlet, an upwardly directed open annular trough, and an insulating zone that contains insulating material, wherein a portion of the insulating material in the insulating zone and the lower section of the base defines an air reservoir in fluid communication with the air inlet. Support for the amendment to claim 22 can be found, for example, on page 6, lines 25-26 and page 7, lines 19-22 of the specification, and in Fig. 1 of the drawings. In view of the amendment to independent claim 22 and for the reasons discussed below, Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejections over Cable, Gilbert and Rast.

Cable discloses a charcoal oven that generally includes a charcoal pan 10 supported and enclosed by an oven body 11, which internally supports a food carrying structure 12. The oven body 11 is a box-like structure formed by an inner box-like structure (13, 14, 15, 16) received within an outer box-like structure. Each of the members (13, 14, 15, 16) is formed from sheet-like material having opposed inner and outer surfaces maintained at a spaced distance with a dead air space therebetween (Figs. 1 and 2 and column 3, lines 5-19). The charcoal pan 54 having side walls 56 and a bottom wall 57, is releasably mounted in the oven body 11, wherein L-shaped channels 59 are used to support the charcoal pan (Fig. 2 in column 4, lines 11-18). A draft channel and ash cleanout 62 extends laterally outward from the charcoal pan 54 to the lateral surface of the oven body 11. Cable does not teach or suggest an open annular trough, an "annular" air inlet or insulating material within the dead air space as claimed in amended independent claim 22.

Regarding the anticipation rejection of claim 22, Cable fails to teach each and every element of amended independent claim 22 as discussed above. Therefore, withdrawal of the rejection of claim 22 is respectfully requested.

Gilbert discloses a charcoal grill generally including an outer jacket 100 and an inner jacket 75, which is received within the outer jacket 100. The inner jacket 75 comprising a bottom wall 76, side walls 78, and end walls 80 support a fire box 40 also having side walls 42 that are spaced from the side walls 78 of the inner jacket 75. The side walls 42 of fire box 40 include an outwardly extending flange 44 that is mounted to side walls 78 of the inner jacket 75 (shown in Fig. 2). The outer jacket 100 having a bottom wall 102, sidewalls 104 and end walls 106 includes four brackets 116 secured to the side and end walls of the outer jacket 100. The brackets 116 have screened portions 124 formed integrally

therewith which permit air flow into the interior of the outer jacket 100. Air travels in the space between the side walls 104 of the outer jacket 100 and the side walls 78 of the inner jacket 75 (Figs. 2 and 3 and column 4, lines 8-35). Gilbert does not teach or suggest an open annular trough, an annular air inlet, or an insulation zone containing insulating material as claimed in amended independent claim 22.

Regarding the anticipation rejection of claims 22 and 23, Gilbert fails to teach each and every element of amended independent claim 22 as discussed above. As stated above, claim 23 was previously cancelled. In view of the foregoing, withdrawal of the rejection of claim 22 is respectfully requested.

Regarding the obviousness rejection of claims 22 and 24-41, the Examiner asserts that Gilbert teaches the claimed invention except for a hinge closure member supported on a base and an inner reflective foil surface. The Examiner combines Rast with Gilbert and asserts that it would have been obvious to a person having ordinary skill in the art to modify the base of Gilbert to include a hinge domed closure member supported thereon, wherein the closure includes an inner reflective foil surface, a plurality of vent apertures and a handle as disclosed in Rast. In view of the amendments to independent claim 22 and the reasons discussed below, reconsideration of the obviousness rejection is respectfully requested.

Gilbert has been discussed above. Rast is directed to a barbecue grill 10 that includes a rectangular housing 11 supported by four legs 82. A support frame 101 is disposed within the housing. The support frame 101 supports a pair of drip pans 115, 116 (shown in Fig. 8) and a pair of fire boxes 120, 121 (shown in Fig. 7). The support frame 101 forms an open area below the drip pans 115, 116. A bottom wall or base 17 of the housing 11 defines a plurality of apertures 76 that allow air to flow into the open area and upward through the fire boxes 120, 121. Rast does not teach or suggest an open annular trough, an annular air inlet, or an insulating zone containing insulating material between the outer side wall 12 and the vertical side walls of each fire box 120, 121 as claimed in amended independent claim 22.

As previously discussed, Gilbert also does not teach or suggest an open annular trough, an annular air inlet, or an insulating zone containing insulating material between the outer side walls and the inner side walls. In view of the amendment to claim 22, Gilbert and Rast, either alone or in combination, do not teach or suggest the above limitations

Response Under 37 CFR §1.116
Expedited Procedure, Examining Group 3700
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added to claim 22. Because claims 24-41 depend either directly or indirectly from amended independent claim 22, withdrawal of the obviousness rejection of claims 22 and 24-41 is respectfully requested.

CONCLUSION

In view of the foregoing reasons, entry of the replacement drawing sheets, withdrawal of the rejections and allowance of claims 22 and 24-42 are respectfully requested.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

The attached replacement sheets of drawings include changes to Figures 1 and 2. The replacement sheets of drawings replace the original drawing sheets of Figures 1 and 2. Changes incorporated into the replacement sheets are highlighted in red on the attached annotated copies.

Attachments: (2) Replacement Sheets
(2) Annotated Sheets Showing Changes

COOKING APPARATUS
Inventor: Kenneth Michael Hall
Attorney Docket No. 1918-020512
Annotated Marked-up Sheet



2/7

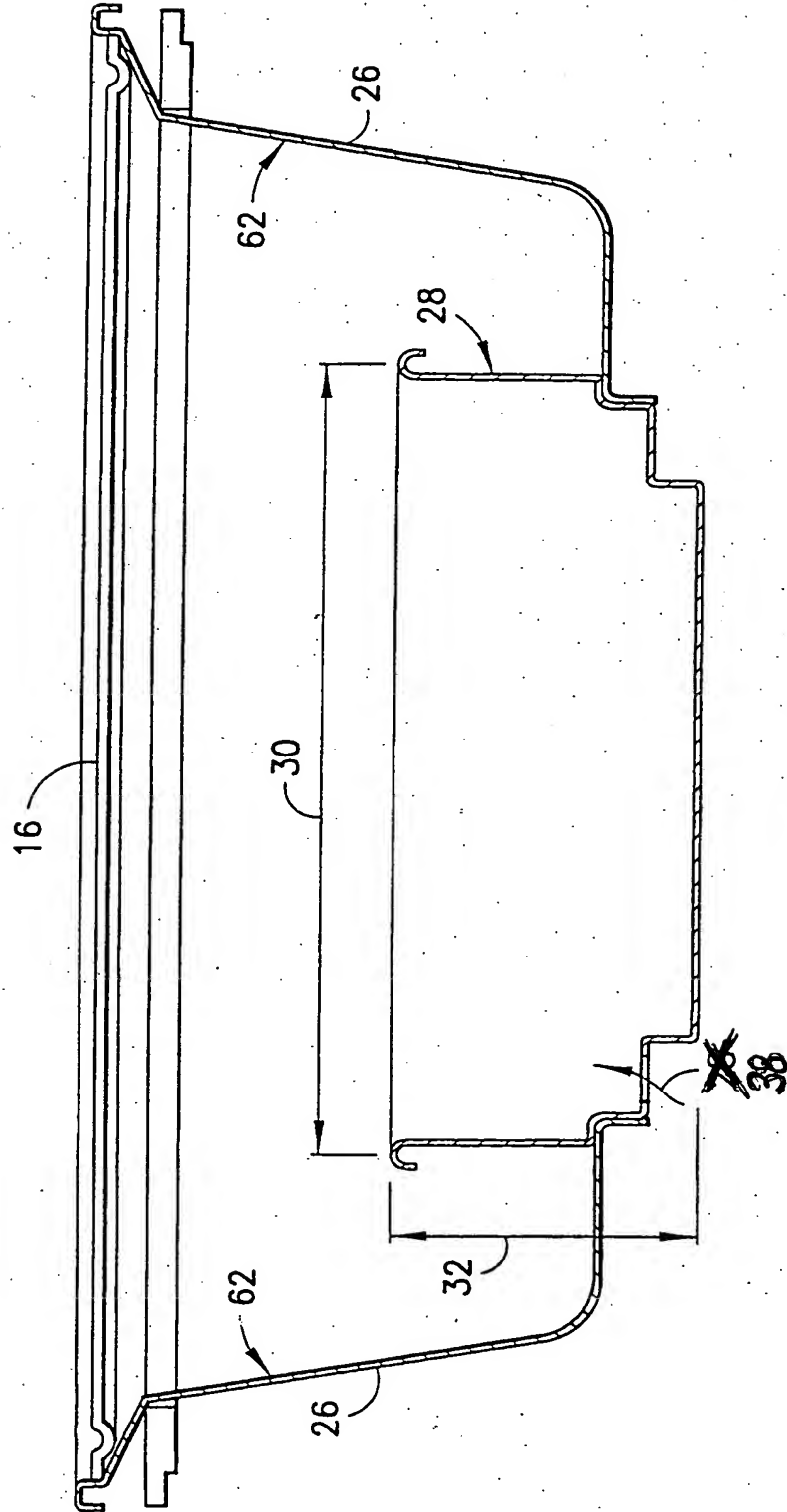


FIG. 2